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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/080,461	05/19/1998	HAJIME ASAMA	P619-93US0	9429

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JACOBSON PRICE HOLMAN & STERN  
400 SEVENTH STREET N W  
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EXAMINER

JOSEPH, THOMAS J

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/080,461

Applicant(s)

ASAMA ET AL.

Examiner

Thomas J Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 3, 5, and 21, 23 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (US 6,308,317) and *Windows NT 4 Workstation* by Jacquelyn Gavron and Joseph Moran.

**Claim 1:** Wilkinson discloses the use of Microsoft window technology including Windows NT (col. 7, lines 53 – 56). Windows NT is a user-adaptive variable-environment system. Wilkinson discloses a computer provided with an operating environment and a user-recognizing unit (col. 7, lines 50 – 55). The smart card reader and terminal taught by the applicant is a user-recognizing unit. The Windows NT is an operating environment. The smart card taught by Wilkinson is the “information storage medium to be applied to the user recognizing unit” suggested by the Applicant. This “smart card” is a “portable” storage medium. Wilkinson describes memory containing and data processing devices on a smart card (col. 7, lines 55 – 65). The user recognizing unit reads the user environment stored in the smart card storage medium and changes the operating environment of the computer appropriately. All data downloaded from an external storage media changes the environment of the computer to some degree. The information storage medium, the smart card, is automatically and directly readable by the user-recognizing unit while being inserted in such a unit. This is

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standard in the art of smart card reading. Further, the use of a smart card suggests an information medium that is automatically and directly readable by the user-recognizing unit while being inserted into the user-recognizing unit. Wilkinson fails to demonstrate the inserting of a storage medium into a user-recognizing unit. However, Wilkinson at least suggests such an insertion because smart cards are typically inserted into a user-recognizing unit. It would have been obvious to one with ordinary skill in the art at the time of the invention to include the inserting of a storage medium such as a smart card into a user-recognizing unit. Doing so allows the user to access data stored a smart card without the use of an independent power supply.

Wilkinson fails to describe windows as a user-adaptative variable environment system. Windows NT teaches methods for customizing windows to individual needs (pp. 134 – 135). Therefore Windows NT is a user adaptive variable system. Windows NT is a dedicated operating system on a computer readable medium. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the variable adaptative system taught by Windows NT with the user recognizing unit taught by Wilkinson. Doing so enhances the ability of a user to set up a personal environment.

**Claim 2:** Wilkinson teaches the rationale of claim 2 in rejected claim 1. Further, Wilkinson teaches a method for wireless access to a control (col. 19, lines 20 – 30). The toll paying system suggested by Wilkinson requires automatically reading some type of medium with a user recognizing unit wherein the said medium is near but apart from the said user recognizing unit.

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**Claims 3:** The Applicant teaches an "information storage medium is readable by the user recognizing unit while being in a position apart from the user recognizing unit." Wilkinson teaches the use of an ID card with computer readable information which can be translated as a portable information storage medium (col. 19, lines 20 – 30). The information unit is separate from the user-recognizing unit. The recognizing unit is the processor and associated systems for determining legitimacy of input while the medium can be any removable id or disk. The said ID card is separate from the user-recognizing unit. It would have been obvious to one with ordinary skill in the art at the time of the invention to provide an ID card with computer readable information which can be translated as a portable information storage medium because doing so allows for authorize customized access to computer system in time saving manner.

**Claims 5:** Wilkinson teaches the use of smart cards in claims 1 and 2. Such smart cards are a type of ID card. Such a card requires computer readable medium. This technology is typically used to contain passwords. Such card typically contains extra data and often some type of processor.

**Claims 21:** Wilkinson teaches using a smart card (col. 7, lines 55 – 65). A smart card functions as a type of information storage medium that is also an ID card.

**Claims 23:** Wilkinson suggests a smart card technology that contains data that can be used as a password (col. 19, lines 5 – 15). Smart card technology can include a variety of data including data intended to verify security.

**Claims 24:** Windows NT teaches methods for storing on a storage medium a dedicated keyboard layout and a dedicated language (pp. 134 – 135). The capability provided for the user to determine options for the start menu is a method for developing

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a key layout. Therefore Windows NT is a user adaptive variable system. Windows NT is a dedicated operating system on a computer readable medium.

**Claims 25 and 26:** Wilkinson and Windows NT teaches the rationale of the claim 25 in rejected claims 1 and 2. Windows NT teaches methods for storing on a storage medium a dedicated keyboard layout and a dedicated language (pp. 134 – 135). The capability provided for the user to determine options for the start menu is a method for developing a key layout. Windows NT allows the user to adapt the system for individual needs. Therefore Windows NT is a user adaptive variable system. Windows NT is a dedicated operating system on a computer readable medium.

3. Claims 4, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (US 6,308,317) and *Microsoft NT* as applied to claim 1 above, and further in view of Bertram (US 5,948,064).

**Claims 4:** Wilkinson and Microsoft NT does not teach a non-native OS based environment that translates into an OS, a language in which information is to be displayed, for controlling usable applications software while interfacing with the layout of the keyboard. Bertram teaches the use of a non-native OS based environment which translates into a type of OS, a language in which information is to be displayed, for controlling usable applications software while interfacing with the layout of the keyboard (fig. 2). Any software requires an operating system. Bertram makes reference to a Windows NT system that uses a keyboard as one of its input devices (col. 4, lines 34 - 57). It would have been obvious to one with ordinary skill in the art at the time of the invention to provide an OS, a language in which information is to be displayed, for

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controlling usable applications software while interfacing with the layout of the keyboard. Doing so is the method for allowing human users to access an operating system.

**Claims 20 and 22:** The Applicant teaches a "user-environment information stored in said information medium." The software taught by Wilkinson (abstract) and Windows NT in rejected claim 1 requires a readable medium. Wilkinson fails to teach software that requires a machine referring to a computer, user information referring to user identification information identifying the user, and user setting information referring to user-environment information. Bertram teaches software that requires a machine referring to a computer, user information referring to user identification information identifying the user, and user setting information referring to user-environment information (col. 10, lines 53 - 65). Bertram makes reference to a Windows NT system, which uses a keyboard as one of its input devices (col. 4, lines 34 - 57). Windows is a dedicated operating system. This operating system has become widespread and uses various codes during set up. These codes are written in a given computer language. The use of a keyboard entails a dedicated keyboard layout. The language of this claim does not require a virtual keyboard. The keyboard layout taught by the Applicant can be a physical as well as a virtual keyboard. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings on Windows NT taught by Bertram with the user-adaptive variable-environment system taught by Wilkinson and Windows NT because these teachings expound on the capabilities of Window NT.

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***Response to Amendment***

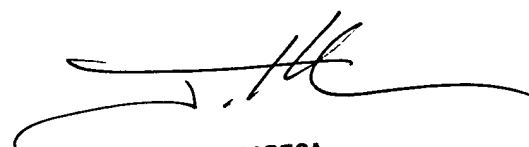
4. Applicant's arguments with respect to claims 1-5 and 20 have been considered but are moot in view of the new ground(s) of rejection. Further, the Examiner reminds the Applicant that non-elected claims 12 – 15 and 17 – 19 without traverse must be canceled before a notice of allowance can be issued.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

tjj  
April 16, 2002